



August 15, 2014

To: State Administration and Veterans Affairs Interim Committee

From: The Montana Public Information Center (MT-PEC)

RE: LC0143 – Generally Revising Election Laws

We understand that LC0143 is an outgrowth of the Committee's Interim charge under SJR 14 to conduct a major study of the form and timing of all of Montana's elections. We were pleased to be at the table during the Subcommittee's consideration of major election reform and we supported the Subcommittee's decision to limit the direction of the work during this Interim to addressing Title 7 and special district elections.

We recognize that the direction of LC0143 is to hold special district elections at the same time as school elections, the first Tuesday after the first Monday in May. This change will require coordination between county election officials and school district election officials and points to one of the recurring themes throughout the discussion of special district, school, and other elections over the course of the Interim. There are instances where county election officials administer school district elections. However, those cases only make up about 20% of school elections. The large majority of school elections continue to be administered by local school districts – about 80%. In most cases where county election officials administer school elections the elections are by mail ballot as a condition from the county election administrators. There is at least one county, Flathead, where the county election administrator chooses not to run school elections at all.

This relationship comes into play in a couple of provisions of LC0143 where the direction was to try to standardize dates and practices in those instances where county election officials administer the elections. We would ask that the Committee recognize this and the differences in school elections as LC0143 goes forward and consider amendments to a few provisions that would have significant impacts on school elections that have not been fully thought through. Here are the sections of concern:

1. Candidate filing deadlines are standardized for all elections, including school elections. Filing deadlines for trustees (and all candidates) will be between 145 days and 85 days before the May election. This more than doubles the number of days prior to the election for the trustee filing deadline. For 2014, this would have meant that trustees file for election beginning December 12, 2013 and ending February 10, 2014, for the May election. School trustees are being elected to volunteer positions and in most instances incumbents and challengers do not decide to run until very close to the current deadline

of 40 days from the election. **Request:** Leave the filing deadline for school trustee as it currently stands with a 40-day filing deadline.

2. LC0143 has a provision that requires a school funding election to be called at least 70 days before the election, instead of at least 40 days before the election (20-20-201). The current deadline for calling a levy election works pretty well considering that a school district needs budget numbers prior to setting a final levy. In a Legislative year, a school district has the ability to delay a levy election (20-20-105) because of their need to know budget numbers prior to setting the final levy. Moving the deadline to 70 days out from the election is problematic. Especially in Legislative years, school districts would be faced with the likelihood of calling one election, cancelling that election, and then calling for an election again. **Request:** Leave the filing deadline for a ballot levy election as it currently stands with a 40-day deadline.
3. LC0143 would increase the notice of election requirement from one to three times. Taken by itself this would increase costs for school districts with an unknown impact on what is the key consideration – increasing public awareness of the election. **Request:** We would encourage the Committee to include a provision that would require that a notice be sent to all news media serving the district as well as posting notice of the election in the same way that regular and special board meetings are noticed.

Through the course of discussions on LC0143, MTSBA, MASBO, and other members of MT-PEC considered the proposed change in the ballot certification deadline for trustee elections from the current 25 days to 30 days prior to the election (20-20-401) and, in the interests of streamlining and coordinating timelines, we believe it will work. The bill draft would also require school districts to give notice of a cancelled election and election by acclamation no later than 30 days before the election. There is great importance in preserving the timeline sequence for ballot certification, cancelling of an election, and election by acclamation to preserve the efficiencies of the election process.

LC0143 has grown to some 290 pages. There is a significant amount of progress made in the bill draft in streamlining special district elections and elections in general to the credit of the Committee and Legislative staff. We appreciate the Committee's attention to the few minor changes in the school election sections of the bill as outlined above. We look forward to working with you as the bill moves forward to the Legislative session.

The Montana Public Education Center (MT-PEC) is a Montana resource for accurate, timely, and credible information about the great work of Montana's public schools. MT-PEC is a joint initiative of the Montana Association of School Business Officials (MASBO), MEA-MFT, Montana Rural Education Association (MREA), Montana Quality Education Coalition (MQEC), Montana School Boards Association (MTSBA), and School Administrators of Montana (SAM). Our Mission is "to increase public awareness of the essential truths regarding the great work of Montana's Public Schools." Our intended audience includes school board members and other policymakers, educators, community leaders, parents, and everyone interested in ensuring excellent public schools in Montana.